

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

ERIC M. RASNAKE,	:	Case No. 3:12-cv-36
Plaintiff,	:	District Judge Timothy S. Black
vs.	:	Magistrate Judge Michael J. Newman
COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
Defendant.	:	

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**ORDER RESCINDING THE JULY 30, 2012 REPORT AND RECOMMENDATION  
(DOC. 10) AND AFFORDING PLAINTIFF UNTIL AUGUST 31, 2012 TO FILE HIS  
STATEMENT OF ERRORS**

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This Social Security disability appeal was filed *pro se* on February 3, 2012. *See* doc. 2. Pursuant to the Sixth Amended Magistrate Judges' General Order No. 11, Plaintiff's Statement of Errors was to be filed on or before July 2, 2012 (60 days after Defendant's service of the Answer on May 3, 2012). Plaintiff did not comply with this deadline; nor did he respond to the Court's July 9, 2012 Show Cause Order (doc. 9). Accordingly, on July 30, 2012, the undersigned recommended in a Report and Recommendation ("R&R") that this case be dismissed for lack of prosecution. *See* doc. 10.

On August 14, 2012, *pro se* Plaintiff filed a handwritten document that the Court liberally construes as his Objections to the R&R and his Notice of Change of Address. *See* doc. 11. Plaintiff claims he did not receive the Court's previous Orders because he was homeless and did not have a mailing address. *See id.* In his August 14<sup>th</sup> filing, he provides the Court with a current mailing address. *See id.*

In the interest of justice, the undersigned **RESCINDS** his July 30, 2012 Report and Recommendation (doc. 10). Plaintiff is afforded an additional **FOURTEEN (14) DAYS** in which to prosecute this case, and **ORDERED** to file his Statement of Errors on or before **August 31, 2012**. The Clerk is **ORDERED** to mail to Plaintiff's updated address, P.O. Box 189, Enon, Ohio 45323, copies of (1) this Order and (2) the Sixth Amended Magistrate Judges' General Order No. 11. Plaintiff is **ADVISED** that if he does not file his Statement of Errors on or before August 31, the Court will again recommend that this case be dismissed for his lack of prosecution. To that end, this Order shall constitute an Order to Show Cause.

August 17, 2012

s/ **Michael J. Newman**  
United States Magistrate Judge